



General Assembly

Distr.: Limited
4 November 2010

Original: English

Sixty-fifth session

Third Committee

Agenda item 66 (b)

**Elimination of racism, racial discrimination, xenophobia
and related intolerance: comprehensive implementation
of and follow-up to the Durban Declaration and
Programme of Action**

Yemen:* draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Welcoming the outcome of the Durban Review Conference convened in Geneva from 20 to 24 April 2009 within the framework of the General Assembly in accordance with its resolution 61/149 of 19 December 2006,

Recalling its resolution 64/148 of 26 March 2010 in which, inter alia, it called for the 10-year commemoration of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,¹

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

¹ See A/CONF.189/12 and Corr.1, chap. I.



Noting the approaching commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action in September 2011,

Underlining the fact that the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, and encouraging States and communities to commemorate the tenth year anniversary in all regions through a wide range of activities,

Recalling all of the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation to ensure the successful implementation of the Durban Declaration and Programme of Action,

Noting Human Rights Council decision 3/103 of 8 December 2006,² by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and deeply regretting the slow progress made in discharging its mandate,

Bearing in mind the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,³

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Expressing serious concern at recent actions taken by some Member States to deport the Roma, which is a vulnerable ethnic minority, and urging States to fully implement their commitments and obligations under international law and relevant international human rights instruments,

² See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

³ See A/CONF.211/8.

Expressing concern at recent deeply marked tendencies within numerous societies to characterize migration as a problem and threat to social cohesion,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Expressing grave concern at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, particularly key paragraphs 157 to 159 of the Programme of Action,

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

Welcoming also the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions held from 5 to 16 October 2009 and from 11 to 22 October 2010, respectively, in particular the recommendation on the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,

Recognizing the potential of sport as a universal language contributing to educating people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

Welcoming the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and in Brazil, respectively, and stressing the importance of making continuing use of these events to promote understanding, tolerance and peace, and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

I General principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

4. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges vigorously with a view to preventing their practice and protecting victims;

5. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, incitement to such hatred, racial profiling, propagating racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

6. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

7. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

8. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

9. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

10. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

11. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

12. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communication technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

13. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

14. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II

International Convention on the Elimination of All Forms of Racial Discrimination

15. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination⁴ are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

16. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action,¹ and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

17. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest;

18. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

19. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

20. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights⁵ and article 5 of the Convention;

21. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with

⁴ United Nations, *Treaty Series*, vol. 660, No. 9464.

⁵ Resolution 217 A (III).

the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

22. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

23. *Calls upon* Member States to ensure that their responses to the current financial and economic crisis should not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants, persons belonging to national, ethnic, religious and linguistic minorities all over the world;

III

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

24. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance⁶ and the recommendations contained therein;

25. *Takes note* of the work done by the Special Rapporteur, and welcomes Human Rights Council resolution 7/34 of 28 March 2008,⁷ by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

26. *Also takes note* of the reports of the Special Rapporteur,⁸ and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in the reports;

27. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

28. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

29. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

30. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

⁶ A/65/295.

⁷ See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53 (A/63/53)*, chap. II.

⁸ A/65/295 and A/65/323.

31. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-sixth session;

32. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

33. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

34. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination and related intolerance and to promote cultural, ethnic and religious diversity, and in that regard emphasizes the crucial role of education and a variety of awareness-raising measures which contribute to creating tolerant societies, where mutual understanding may be ensured;

35. *Recommends* that all States give due attention to and closely monitor the way in which the concept of national identity is debated within their societies, so that this concept will not be used as a tool to create artificial differences among some groups of the population;

36. *Expressing concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and threat to social cohesion and, in this context, notes the numerous human rights challenges in this regard;

37. *Recommends* that States conduct human rights training for law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law;

38. *Recommends* that States collect disaggregated data in order to design appropriate anti-racial discrimination legislation and policies and monitor their effectiveness, whilst abiding by some key principles, including self-identification, the right to privacy guaranteeing consent of the concerned in the design and implementation of the exercise;

IV

Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference

39. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;¹

40. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and

effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference and, in this regard, welcomes the steps taken by numerous Governments;

41. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference of 2001;

42. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

43. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

44. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;⁹

45. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action;

46. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

47. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;¹⁰

48. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

49. *Also acknowledges* that the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference are on an equal footing with the outcomes of all the major

⁹ United Nations, *Treaty Series*, vol. 2220, No. 39481.

¹⁰ Resolution 61/295, annex.

United Nations conferences, summits and special sessions in the human rights and social fields;

50. *Decides* to convene on 21 September 2011, a high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, at the level of Heads of State and Government;

51. *Decides also* that the meeting will adopt a short and concise declaration aimed at mobilizing political will for the full and effective implementation of the Durban Declaration and Programme of Action and the outcome of the 2009 Durban Review Conference;

52. *Invites* Member States, international and regional organizations, civil society, including non-governmental organizations, and other stakeholders to organize and support various high visibility initiatives, aimed at effectively increasing awareness at all levels, to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

53. *Requests* the Secretary-General to establish a programme of outreach, with the involvement of Member States, United Nations funds and programmes as well as civil society, including non-governmental organizations, to appropriately commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

54. *Emphasizes* the critical importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization;

55. *Welcomes* the decision of the Human Rights Council to convene a panel discussion during the high-level segment of its sixteenth session focusing on the full enjoyment of the human rights of people of African descent, to mark the International Year for People of African Descent;

56. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action and encourages efforts to ensure its translation and wide dissemination;

57. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Department of Public Information of the Secretariat to launch a public information campaign for the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, including wide distribution of user-friendly information materials through the United Nations system, inter alia, through United Nations information centres;

58. *Welcomes* the decision of the Human Rights Council to dedicate part of the programme of work under item 9 at its seventeenth session to a discussion on, inter alia, best practices in the fight against racism, racial discrimination, xenophobia and related intolerance in the context of the tenth anniversary of the Durban Declaration and Programme of Action during the high-level segment of the General Assembly;

59. *Welcomes also* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of

slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

60. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up the World Conference and the Durban Review Conference;

61. *Welcomes* the conclusions and recommendations of the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions, and their focus on the protection of children, migration and employment;

62. *Calls upon* the Human Rights Council to ensure that the conclusions and recommendations of the Intergovernmental Working Group are brought to the attention of the relevant United Nations agencies for adoption and implementation within their respective mandates;

63. *Invites* the Office of the United Nations High Commissioner for Human Rights, in accordance with paragraphs 136 and 137 of the outcome document of the Durban Review Conference,¹¹ to establish an inter-agency task force, with the participation of representatives of relevant United Nations bodies and specialized agencies, as part of the continuing efforts to mainstream the effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference in the whole United Nations system;

64. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

65. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

66. *Requests* the United Nations High Commissioner for Human Rights to undertake necessary steps with a view to enhance the work of the independent eminent experts and to inform the President of the Human Rights Council and the Secretary-General accordingly on such steps;

67. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all

¹¹ See A/CONF.211/8, chap. 1.

international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

68. *Welcomes* the historic and unique dimension of the 2010 International Federation of Association Football World Cup in South Africa, which marked the first time this major sport event was held on the African continent;

69. *Expresses serious concern* at recent incidents of racism at sporting events targeting, in particular, Africans and people of African descent, and recalling the need to reverse this legacy of racism;

70. *Expresses its appreciation*, in this context, to the Fédération internationale de football association for the initiative to introduce a visible theme on non-racism in football, and invites the Fédération to continue with this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

71. *Calls upon* States to take advantage of mass sports events as valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination;

72. *Acknowledges* the guidance and leadership role of the Human Rights Council, and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference;

73. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the necessary support in order for it to achieve its objectives in this regard;

V

Follow-up activities

74. *Strongly recommends* that future meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action¹ be scheduled in a manner that allows broad participation and that avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

75. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the implementation of the present resolution, with recommendations;

76. *Decides* to remain seized of this important matter at its sixty-sixth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".